

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JESSICA MAZURKIEWICZ, et al.,

Plaintiffs,

- v -

SCHOOL OF VISUAL ARTS, INC., et al.,

Defendants.  
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**MEMORANDUM**

CV-04-4630 (FB)(VVP)

By letter dated July 29, 2005, and filed via ECF on August 3, 2005, the defendants have requested a premotion conference regarding a discovery dispute. No such conference with the court is necessary. Rather, as set forth in the Scheduling Order at ¶ 3(a), discovery motions are to be made in accordance with Local Civil Rule 37.3. The defendants' July 29, 2005 letter does not constitute an appropriate discovery application pursuant to that Rule because there is no certification in the letter that counsel has attempted to confer in good faith with his adversary *by telephone or in person* as required by both the Rule and the Scheduling Order. Indeed, it appears from the body of the letter that no such attempt has been made. As a result, the letter does not provide sufficient specificity as to the disputes concerning the discovery responses in issue. Accordingly, the application in the July 29, 2005 letter is denied without prejudice to renewal after the above prerequisites are met.

**SO ORDERED:**

Viktor V. Pohorelsky  
VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
August 5, 2005